

**MINUTES  
LAKE COUNTY ZONING BOARD  
DECEMBER 6, 2006**

The Lake County Zoning Board met on Wednesday, December 6, 2006 in the Commission Chambers on the second floor of the Round Administration Building to consider petitions for rezonings, conditional use permits, and mining site plans.

The recommendations of the Lake County Zoning Board will be submitted to the Board of County Commissioners at a public hearing to be held on Tuesday, December 19, 2006 at 9 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

**Members Present:**

Timothy Morris, Vice Chairman	District 1
Scott Blankenship	District 2
James Gardner, Secretary	District 3
Robert H. Herndon	District 4
Paul Bryan, Chairman	District 5
Donald Miller	At-Large Representative
Larry Metz	School Board Representative

**Staff Present:**

Carol Stricklin, AICP, Director, Department of Growth Management  
R. Wayne Bennett, AICP, Planning Director, Planning and Development Services Division  
Brian Sheahan, AICP, Chief Planner, Planning and Development Services Division  
Rick Hartenstein, Senior Planner, Planning and Development Services Division  
Stacy Allen, Senior Planner, Planning and Development Services Division  
Ryan Guffey, Senior Planner, Planning and Development Services Division  
Karen Rosick, Planner, Planning and Development Services Division  
Denna Levan, Associate Planner, Planning and Development Services Division  
Mary Harris, Public Hearing Coordinator, Planning and Development Services Division  
Sherie Ross, Public Hearing Coordinator, Planning and Development Services Division  
Ross Pluta, Engineer III, Engineering Division  
John Maruniak, Jr., Transportation Planner/Engineer II, Engineering Division  
Sanford A. Minkoff, County Attorney  
LeChea Parson, Assistant County Attorney

Chairman Bryan called the meeting to order at 9:00 a.m. He led in the Pledge of Allegiance, and James Gardner gave the invocation. Chairman Bryan noted that a quorum was present. He confirmed the Proof of Publication for each case as shown on the monitor.

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Adjournment	10:35 a.m.	

**Minutes**

**MOTION by Donald Miller, SECONDED by Scott Blankenship to approve the November 1, 2006 Lake County Zoning Board Public Hearing minutes, as submitted.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz**

**AGAINST: None**

**MOTION CARRIED: 7-0**

Chairman Bryan stated that anyone wishing to speak should complete a speaker card that can be found on the table at the rear of this room. He added that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case. He asked that all speakers come to the podium and sign in. He explained the procedures for hearing cases on the consent and regular agendas.

**Discussion of Consent Agenda**

Chairman Bryan stated that he had received a speaker card for Agenda #9, PH#53-06-5, Linda Austin and Gerald Braley, so that will be removed from the consent agenda and placed on the regular agenda.

Regarding Agenda #3, PH#97-06-2, Victor H. Majewski, Rick Hartenstein, Senior Planner, stated that the applicant has asked that this case be placed on the regular agenda so it can be discussed.

Consent Agenda

<b>CASE NO.:</b>	<b>PH#94-06-3</b>	<b>AGENDA NO.:</b>	<b>1</b>
<b>OWNER/APPLICANT:</b>	<b>Jack N. Blakemore, Jr.</b>		
<b>CASE NO.:</b>	<b>PH#95-06-1</b>	<b>AGENDA NO.:</b>	<b>2</b>
<b>OWNER:</b>	<b>Patricia A. Mullin</b>		
<b>APPLICANT:</b>	<b>Lake County Growth Management Staff</b>		
<b>CASE NO.:</b>	<b>PH#96-06-1</b>	<b>AGENDA NO.:</b>	<b>4</b>
<b>OWNER:</b>	<b>Timberwood Properties, Inc.</b>		
<b>APPLICANT:</b>	<b>Steven J. Richey, P.A.</b>		
<b>CASE NO.:</b>	<b>PH#100-06-5</b>	<b>AGENDA NO.:</b>	<b>5</b>
<b>OWNER:</b>	<b>First Baptist Church of Astor, Inc.</b>		
<b>APPLICANT:</b>	<b>First Baptist Church of Astor/Bill (William) Chandler, Pastor</b>		
<b>CASE NO.:</b>	<b>PH#98-06-4</b>	<b>AGENDA NO.:</b>	<b>6</b>
<b>OWNERS:</b>	<b>Meredith B. &amp; Lois M. Salyer</b>		
<b>APPLICANT:</b>	<b>William Houston Evans</b>		

**MOTION by Timothy Morris, SECONDED by Robert Herndon to take the following actions on the above consent agenda:**

<b>PH#94-06-3</b>	<b>Approval to R-1 Zoning</b>
<b>PH#95-06-1</b>	<b>Approval to Agriculture Zoning</b>
<b>PH#96-06-1</b>	<b>Approval to R-3 Zoning</b>
<b>PH#100-06-5</b>	<b>Approval to CFD Zoning and Revocation of CUP#768-5 and CUP#768A-5</b>
<b>PH#98-06-4</b>	<b>Approval to continue until February 7, 2007</b>

**FOR:** **Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz**

**AGAINST:** **None**

**MOTION CARRIED: 7-0**

A man in the audience said that in PH#100-06-5, Agenda #5, he is a project manager, not a pastor.

CASE NO.: PH#53-06-5

AGENDA NO.: 9

OWNERS: Linda Austin and Gerald Braley  
APPLICANT: Hugh Harling, Jr., P.E.

Rick Hartenstein, Senior Planner, stated that staff is requesting a 30-day continuance for this case as additional information is needed to be shown on the plan so it will better clarify the project.

Robert Bone, attorney, stated that he was present to represent Rich and Deanna Donohue, owners of 19 acres adjacent to the proposed project. About two years ago, the County approved the down zoning of the subject property from R-6 zoning to AR zoning to allow them to divide the back portion of their property into four additional lots. This proposed project is a significant increase in the density. This project has been continued for seven months; it was originally scheduled for April of 2006. The Donohues are being adversely impacted in relation to the continued use and marketing of their property. He has met with the developer concerning potential mitigation for the adverse impacts that this will cause on the Donohue property. The developer has not submitted plans that show they will be providing the mitigation that they said they would be providing. Therefore, he objected to the continuance. It is his understanding that the developer is actively marketing and showing this property to other potential users. This has become nothing more than a speculative project that is premature.

In response to Timothy Morris, Mr. Hartenstein said this Board could set a time certain for this case to be heard. It is up to the applicant to provide the additional information needed. Mr. Morris said he could support a 30-day continuance, but he would have a different issue with it next month if it is not heard at that time.

James Gardner was informed by Mr. Hartenstein that he met with Mr. Harling again about a week ago. A revised plan was submitted; but when staff reviewed it, there were still issues with it. The requested information is needed to finish the review by staff.

Chairman Bryan asked staff to make sure the applicant know that this Board expects to hear the case next month.

**MOTION by Timothy Morris, SECONDED by Robert Herndon to continue PH#53-06-5 until the January 3, 2007 Lake County Zoning Board Public Hearing.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz**

**AGAINST: None**

**MOTION CARRIED: 7-0**

CASE NO.: MSP#05/11/1-2

AGENDA NO.: 8

OWNER: Rinker Materials Corporation  
APPLICANT: Steven J. Richey, P.A.

Rick Hartenstein, Senior Planner, said the legal description is “messed up,” and they are still trying to get it straightened out. The applicant is requesting a continuance to ensure that the legal description is correct so it can be properly advertised. When Chairman Bryan asked if staff concurs, Mr. Hartenstein said this case has gone on for a long time. At one time, staff was not in support of further continuances; but with additional research, staff has learned of some issues with the legal description and there is not enough time to review. He did not feel it was properly advertised for this public hearing. He felt staff and the applicant need to look at this closer to ensure the legal description is correct. However, he felt a time certain should be set for the continuance.

Chairman Bryan stated that no speaker cards were submitted for this case.

Steve Richey was present to represent the case. He felt a 60-day continuance is needed. He has met with staff twice regarding the legal description; he has been dealing with this legal description for eight months. He filed nothing in writing for this case as he was advised by staff that he should come to the public hearing and make this request in person.

**MOTION by Donald Miller, SECONDED by Scott Blankenship to continue MSP#05/11/1-2 until the February 7, 2007 Lake County Zoning Board Public Hearing.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz**

**AGAINST: None**

**MOTION CARRIED: 7-0**

CASE NO.: PH#59-05-3

AGENDA NO.: 10

**OWNERS:** Murry W. and Marsha P. Crawley  
**APPLICANT:** Steven J. Richey, P.A.

Rick Hartenstein, Senior Planner, stated that staff is ready to move forward with this case if the Board chooses to do that. However, the applicant would like to make a request.

Steve Richey, Applicant, was present to represent the case. He explained that last month he had requested a six-month continuance of this case. At that time, there were people in the audience who were opposed to that request, and the Zoning Board granted a 30-day continuance. He stated that on September 15, 2005, he held a community meeting in Ferndale to discuss this rezoning request. At that meeting, he represented to those in attendance that he would be continuing the rezoning request until the new Comprehensive Plan was completed so this request would be bound by that Comprehensive Plan. In October of 2005, he came before this Board and requested an indefinite continuance; the County Attorney advised this Board that an indefinite continuance was not something that he thought was appropriate, and Mr. Richey said he was invited to continue it in segments. Therefore, he requested and received a six-month continuance. He requested a second six-month continuance last month based on what he had originally represented to this Board and the people in Ferndale. He said he did not feel comfortable proceeding with the case without having another town meeting and revoking what he said he would do at the meeting in September of 2005. Last month there was a small group of people at the public hearing that wanted to proceed with the case, but he represented to a large group of people that he would not proceed with the case until the new Comprehensive Plan was adopted. He asked for a continuance for at least the remaining five months of the original request. If the Comprehensive Plan is not completed by that time, he may be back to continue it again or he will have an opportunity to meeting with the Ferndale community that he met with previously and revise his representations to them. He is not prepared to proceed with this case based on the original representation. He had talked to staff when he filed the six-month continuance request, and it was his understanding that staff had no problem with the request.

Brian Sheahan, AICP, Chief Planner, stated that staff is not inclined to continue this indefinitely or entertain constant continuances. At the direction of the Local Planning Agency (LPA) and after Board of County Commissioners (BCC) approval, staff is looking into developing a plan with the community of Ferndale. At this time, he could not determine what effect that would have on this application. If this application is withdrawn or denied without prejudice, the applicant could come back after the Comprehensive Plan is effective and be subject to those rules.

When Timothy Morris asked how long it would take to meet with the Ferndale community and complete the plan, Mr. Sheahan said it would be contingent on the new Comprehensive Plan and direction from the BCC. Staff hopes to begin the process with Ferndale in January of 2007. Mr. Morris said he did not have an issue with the continuance.

Doug Ramsey said that although his address is Clermont, he lives 1-1/2 miles from Ferndale. He said this project has been continued over and over again. This is a fairly dense proposal. He questioned how much longer these continuances would go on. He felt the staff's recommendation to shelve the case and come back when the rules are known would be an appropriate action. Last month it was discussed that some action was to be taken on this case at the December public hearing. He supported that and did not want another continuance.

Jason Ramsey felt the applicant is trying to stall this case until he can gain more support. He said the application should be withdrawn and resubmitted at a later date when the new Comprehensive Plan is adopted. The case should not be continued on a regular basis. In Ferndale they meet every week so there is not a shortage of opportunities to present any changes. He did not attend the meeting Mr. Richey had in September.

Ed Mitchell said he was in opposition to the continuance. He questioned Mr. Richey's statement regarding an agreement that was made at the September 2005 community meeting. He was at that meeting. He

**CASE NO.:** PH#59-05-3**AGENDA NO.:** 10**OWNERS:** Murry W. and Marsha P. Crawley  
**APPLICANT:** Steven J. Richey, P.A.**PAGE NO.:** 2

referred to 100 signatures in opposition to this project. He thought the first meeting before this Board was in June of 2005. At the time of that meeting, they told Mr. Richey that everyone present was in opposition to two units per acre. The residents have agreed to these continuances over the past year in hopes that the Comprehensive Plan would be done; it is not done and may not be done anytime soon. The community is still in opposition to the project and any further continuances.

Clyde Roundtree, a resident on Truesdale Street in Ferndale, said he is familiar with the request. He was definitely against another extension. He was at the public hearing last month to hear the case, and the applicant was given a 30-day continuance. He did not want any more continuances. He added that he was at the meeting held by Mr. Richey.

Fred Crammer said he also attended the meeting held by Mr. Richey. The community of Ferndale has been working very closely with the County regarding the Comprehensive Plan. He felt both the LPA and staff would agree that it could be another year or more before the Comprehensive Plan becomes effective. That is a long time to continue a case especially since the project will have to be changed due to new policies in the Comprehensive Plan. He would like to see it withdrawn at this time and resubmitted later with new information relative to the new Comprehensive Plan.

Lawrence Askins, a resident of Ferndale, said he was against this continuance for many reasons. Today is a continuance of last month when neither Mr. Richey nor the Crawleys showed up. It is a project the staff is against. It doesn't fit present zoning. If they would design it to present zoning, then they could build it. He would like to see it ended now. He felt it should be designed to present zoning or wait for the new Comprehensive Plan to be adopted.

Mr. Richey reiterated that he had said at the meeting that he would request an indefinite continuance until the new Comprehensive Plan is adopted. There were people at the meeting who were opposed to the project. He has never tried to represent to this Board that there was any agreement at the community meeting regarding this project. There has been no intent to try to wear the people out. If at the end of five months the Comprehensive Plan is not adopted, he will have to withdraw this application and start over again. Those five months will give him time to meet with the residents and let them know what he would be doing. His issue is not proceeding with the case at this time. It is the fact that he represented to a roomful of people that he would not proceed until the new Comprehensive Plan was completed. He was not at the public hearing last month because he was advised by staff that they had no problem with the six- or eight-month continuance. If he had known staff had concerns with the continuance, he would have been at the public hearing.

In response to James Gardner, Sanford A. Minkoff, County Attorney, said it would be possible for this Board to grant the five-month continuance with the stipulation that no further continuances would be granted. However, it would also be possible for the Board to change that decision and decide to grant another continuance.

Mr. Morris was informed by Mr. Minkoff that the new Comprehensive Plan will probably not be completed in five months even under the most optimistic circumstances due to the timing. He explained the process the Comprehensive Plan must go through to reach completion. He said that if this requested rezoning were approved, the development could proceed in accordance with the approved zoning. Once it has started, the new Comprehensive Plan would not change that. If this Board heard the case and it passed, Mr. Morris said that could do more damage than a withdrawal or continuance.

In response to Scott Blankenship, Mr. Sheahan said the application fee is \$1000, but all the work that went into the project (surveys, plans, traffic studies, biological surveys) could be reused with the new application although they may need to be updated. Mr. Sheahan reiterated Mr. Minkoff's comment that the



**CASE NO.: PH#59-05-3**

**AGENDA NO.: 10**

**OWNERS: Murry W. and Marsha P. Crawley**  
**APPLICANT: Steven J. Richey, P.A.**

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Comprehensive Plan will not be in effect in five months.

Mr. Blankenship did not feel that a five-month continuance will serve the public. He felt that if the application is withdrawn, it can come back in some form after the new Comprehensive Plan is completed, and that would meet Mr. Richey's statement that the project would not proceed until the new Comprehensive Plan was completed. He did not see any harm in withdrawing the case.

**MOTION by Timothy Morris, SECONDED by Robert Herndon to continue PH#59-05-3 until the May 2, 2007 Lake County Zoning Board Public Hearing in order for Mr. Richey to meet with the Ferndale community.**

**FOR: Morris, Gardner, Herndon, Bryan, Metz**

**AGAINST: Blankenship, Miller**

**MOTION CARRIED: 5-2**

Jason Ramsey reiterated that the residents of Ferndale meet every week so five months are not needed to be able to meet with them.

CASE NO.: PH#97-06-2

AGENDA NO.: 3

OWNER: Victor H. Majewski  
APPLICANT: Cecelia Bonifay, Esquire

Stacy Allen, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial from the staff report on the monitor. She said the applicant would like to discuss a proposed change to the ordinance. In response to Chairman Bryan, Ms. Allen said staff concurs with the height restriction in the revised ordinance.

Cecelia Bonifay with Akerman Senterfitt was present to represent the case. Kathy Allison from Ms. Bonifay's office distributed a copy of the revised ordinance to the Board members and Public Hearing Coordinator, who submitted it as Applicant Exhibit A. Ms. Bonifay felt an assisted living facility is an excellent use for this property in that the City of Clermont does not want commercial on the south side of Hook Street. This use will have no school impact, is not a commercial use, has less transportation impacts given the nature of the residents, and clearly meets a need in the area according to market research. As the same group will both develop and manage the facility, she felt they will carry through with the project. She noted the highlighted change on page 2 of Applicant Exhibit A. She added that they have had several meetings with the City of Clermont. She referred to a letter from the City of Clermont stating that they are willing and able to serve the site with central water and sewer. She submitted a set of schematic plans as Applicant Exhibit B. She discussed the elevation, noting that this design should work well with the topography. There is another meeting scheduled with the City of Clermont to discuss Joint Planning Area (JPA) issues although the City has had no issues to this point. She asked that this Board approve the ordinance with the modification on height.

In response to Donald Miller, Ms. Bonifay said this project will come before the Clermont City Council one more time.

Robert Herndon was informed by Richard St. Maur, who was representing one of the partners, that there would be a total of 180 units.

Chairman Bryan noted that this case was on the consent agenda and has staff's full recommendation of approval. It was removed from the consent agenda to ensure that everyone was aware of the height restriction. Mr. Morris asked if the height falls within the City of Clermont's requirements. Ms. Bonifay said the City has other buildings above this height. She had sent their package to the City of Clermont to review so they would be aware of what is being planned from the beginning.

In response to Mr. Morris, Ms. Bonifay said annexation into the City will be part of the utility agreement. The City's standard provision is that once a property becomes contiguous, that property must become part of the City.

James Gardner confirmed that this is assisted and independent living. He asked if there would be anything that would resemble nursing care in this facility. Dennis Cregan with Kaplan Development, who will be managing the facility, said this will not be a nursing home. The assisted living component will have a nurse on staff to supervise the administration of medications and dietary requirements.

**MOTION by Timothy Morris, SECONDED by Robert Herndon to recommend approval of CFD zoning in PH#97-06-2 for an assisted living facility and associated uses with the height restriction highlighted on page 2 of Applicant Exhibit A.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz**

**AGAINST: None**

**MOTION CARRIED: 7-0**

CASE NO.: CUP#06/11/1-2

AGENDA NO.: 7

OWNER: Mark R. Neese  
APPLICANT: Mark R. Neese/Agroflight Services

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of denial. He showed a picture of the posting of the sign as well as the aerial. He noted that this property is located in the Green Swamp Area of Critical State Concern. Originally the application request was for one helicopter; but when the case was continued last month, the request was amended for the storage of up to three helicopters on the property. According to the definition of airport in the Land Development Regulations (LDRs), it is in the plural sense when it refers to aircraft. Staff felt the request for one helicopter fit the category of an obnoxious use; but by adding the additional helicopters, it now met the definition of an airport. Airports are prohibited in Core Conservation by the Comprehensive Plan. He referred to the letter of opposition that was received.

When Chairman Bryan asked if staff had recommended denial when the request was for one helicopter, Mr. Hartenstein said the staff recommendation was approval of the one helicopter with conditions. It is difficult to monitor more than one helicopter. With more than one aircraft, it meets the definition of an airport. The applicant was informed of that and also received a copy of the staff report.

Mark Neese was present to represent the case. He reiterated that staff originally recommended approval of the request for one helicopter. These three helicopters are personally owned. There will be one person flying them in and out. This will be a private residence with a garage containing three helicopters; it is not an airport.

When Robert Herndon asked what would preclude Mr. Neese from having two friends who were helicopter pilots and could use the other helicopters, Mr. Neese said restrictions could be placed in the ordinance. Donald Miller said it would be difficult to monitor the situation. Mr. Neese said no one will be brought to the site in these three helicopters. James Gardner was informed by Mr. Neese that only one of the helicopters would be in the air at one time.

In response to Chairman Bryan, Mr. Neese said he is the owner of the property. He is selling it to Aeroflight Services; he will not be the operator. The operator was happy with the original Conditional Use Permit (CUP) except that it allowed only one helicopter. If he stores more than one helicopter on the site, he might get shut down; and he did not want that to happen. The operator was not present due to a doctor appointment. Mr. Neese read the following into the record as information provided by the operator: Only one individual, the owner, will fly to and from the property. No commercial traffic transport of any kind will take place. The hangar is 4800 square feet, which will easily house three helicopters. He was comfortable including that information in the ordinance.

Mr. Miller reiterated that the problem is the monitoring.

Momtaz Barq with Taramac Engineering said he was representing Mr. Hernandez as well. He was not present to object; he was presenting the case. He said it is a storage area. The only operator would be Mr. Hernandez. If there are any other stipulations that the County would like to add to the ordinance, Mr. Hernandez is willing to accept those, such as limiting the number of flights. This is for personal use only. He acknowledged that it would be difficult to monitor; but as this area develops, any complaints would be registered by those residents.

Chairman Bryan felt helicopters are loud and obnoxious. If there is a lot of activity, that could be a concern. One personal helicopter coming in and out once a day may not be much of a problem, but he would be concerned if it was more than that. He agreed that the area is a very rural area with five acre and larger tracts at this time.

Scott Blankenship said he was concerned that the proposed owner has a commercial helicopter business, Aeroflight Services, with a hangar in Kissimmee. He wants to be able to fly to work and back. Mr.

**CASE NO.:** CUP#06/11/1-2**AGENDA NO.:** 7**OWNER:** Mark R. Neese**PAGE NO.:** 2**APPLICANT:** Mark R. Neese/Agroflight Services

Blankenship did not feel it would be a problem for the proposed owner to choose the one helicopter he wants to use to fly home for the day.

Chairman Bryan questioned whether the proposed owner was trying to eliminate the need for expensive hangar space in Kissimmee. Mr. Barq said it is his understanding that it is not intended for that. From a business perspective, it is very difficult to store aircraft on his personal property and be able to use them for business. In response to Timothy Morris, Mr. Barq said it is his understanding that Mr. Hernandez only owns one helicopter. The type of aircraft that he uses is quiet.

Regarding the noise problem, Mr. Neese said there is a sand mine scheduled to the east and south of this property. There will be more noise coming from the trucking of the sand mine than will be coming from one helicopter taking off and landing each day. Mr. Morris said this Board could limit it to two trips per day, one in and one out. Chairman Bryan said that as a CUP, this could be brought back to the Zoning Board at any time if there are complaints. Since it is not permanent, that gave him some comfort level.

Mr. Hartenstein said he needs to make some clarification on a few points so this Board understands staff's position. He explained that approval from the Florida Department of Transportation (FDOT) as well as Federal Aviation Authority (FAA) will be needed whether it is one helicopter or three.

James Gardner said he did not have a problem supporting the application. It would be helpful to put in the ordinance that only one helicopter could be in the air at one time.

If more than one helicopter is approved on this property, based on the definitions of the LDRS and the Florida Administrative Code (FAC), Mr. Hartenstein said it is an airport and will need to be rezoned to CFD. This request is not permitted in Agriculture zoning and would be in violation of the Comprehensive Plan.

Mr. Gardner said that one of the opportunities of this Board is to mitigate unusual circumstances. Mr. Hartenstein said the Comprehensive Plan cannot be mitigated. However, Mr. Gardner said there should be some human element and reasoning that can be introduced to the situation. That is the function of this Board.

Mr. Blankenship asked if the LDRs specify that if the helicopters are not used for commercial reasons, there is only one pilot for three helicopters, and there are only two flights per day, there could be exceptions. Mr. Hartenstein replied that there are no exceptions. He said staff was trying to work with the applicant with one helicopter, but it was in that "gray line area" as far as recommending approval or denial. With multiple aircrafts, there is no way of monitoring the number of flights or helicopters. Chairman Bryan felt that once people move into the area and there is increased activity, the people themselves will monitor the situation.

Mr. Blankenship pointed out that the applicant is in this business, which could create a problematic perception. He also referred to the adamant recommendation of denial from staff for three helicopters and their recommendation of approval with some reservation for one helicopter.

Mr. Morris was informed by Chairman Bryan that this Board could approve or deny this case for one helicopter or three helicopters. Mr. Blankenship said he would be comfortable with one helicopter for personal convenience in flying back and forth to work.

Chairman Bryan confirmed with Rick Hartenstein that staff can support one helicopter.

CASE NO.: CUP#06/11/1-2

AGENDA NO.: 7

OWNER: Mark R. Neese

PAGE NO.: 3

APPLICANT: Mark R. Neese/Agroflight Services

**MOTION by Donald Miller, SECONDED by Larry Metz to recommend denial of CUP#06/11/1-2 for private helicopter use and a hangar for the storage of up to three helicopters in association with a single-family residence.**

Mr. Blankenship confirmed with Mr. Miller that the denial would be for no helicopters at all.

Chairman Bryan, Mr. Blankenship, and Mr. Morris all said they could support one helicopter on the site.

**FOR: Miller, Metz**

**AGAINST: Morris, Blankenship, Gardner, Herndon, Bryan**

**MOTION FAILED: 2-5**

Mr. Neese felt the problem is with the definition of airport. Chairman Bryan agreed but said he did not want to discuss that further as staff is very adamant that more than one helicopter is an airport, and he did not feel the applicant was going to convince this Board otherwise. Mr. Neese read the definitions for airport and limited airport into record. He said the public would not be coming to this property. He felt there should be an exception to the definition. Although the proposed owner does have a business, he does not plan on doing any commercial service work from this property.

**MOTION by Scott Blankenship, SECONDED by Robert Herndon to recommend approval of CUP#06/11/1-2 for the one helicopter on the site for personal convenience only, based on staff's comments.**

**FOR: Morris, Blankenship, Herndon, Bryan**

**AGAINST: Gardner, Miller, Metz**

**MOTION CARRIED: 4-3**

**Discussion**

Scott Blankenship said that one of his ongoing issues with continuances of zoning cases is public notification. He was concerned about citizens who come to these public hearings, sometimes at a great inconvenience, only to find out that the case is being continued. When he asked if the process could be reviewed to determine a way to avoid this problem, Wayne Bennett, Planning Director, said he would take that under advisement.

Mr. Bennett said the difficulty staff has with continuances when an applicant is waiting for a specific action such as the completion of the Comprehensive Plan is that counsel wants to preserve as many of their rights under the existing Comprehensive Plan as he can in anticipation of what could happen after the new Comprehensive Plan is adopted. It places the County in somewhat of a liability situation from a legal standpoint as far as what happens to the application after the Comprehensive Plan is approved. From a planner's prospective, it takes the decision to some extent out of the public viewpoint and places it in a legal situation. Staff feels it is better to deal with an application under the current Comprehensive Plan as opposed to carrying it forward.

When Donald Miller asked if applicants are informed ahead of time when an application is being denied, Mr. Bennett said that after the first of the new year, staff will be doing a better job of giving them a "heads up" so applicants will have an opportunity to see if there is a way to deal with that denial. In the past, Mr. Miller said there have been times when it appeared that the applicant was surprised by the denial recommendation. Mr. Bennett said it is the goal to let both the applicant and the public know earlier about the staff's position on an application.

**Adjournment**

There being no further business, the meeting was adjourned at 10:35 a.m.

Respectfully submitted,

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Sherie Ross  
Public Hearing Coordinator

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Paul Bryan  
Chairman